

Notice of Allowability

Application No.

10/763,649

Applicant(s)

ZIMMERMANN ET AL.

Examiner

Kara E. Geisel

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 23 January 2004.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

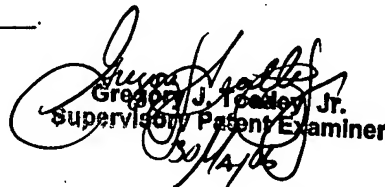
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0104
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory J. Tiedeman Jr.
Supervisory Patent Examiner

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DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

The certified copy has been filed in this application on January 23rd, 2004.

Information Disclosure Statement

The information disclosure statement filed January 23rd, 2004 has been considered by the examiner.

Drawings

The drawings filed on January 23rd, 2004, have been accepted by the examiner.

Examiner's Reasons for Allowance

Claims 1-3 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for the detection and evaluation of the light generated in a fluorescing specimen by a short pulse laser comprising recording specimen light in a wavelength dependent manner with **at least one nondescanned detector as a reference spectrum**, and carrying out separation into individual spectra during the irradiation of at least two fluorophores and/or self-fluorescing specimens simultaneously from the measured spectrum and the reference spectra through regression analysis, in combination with the rest of the limitations of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Additional Prior Art

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record is Wolleschensky et al. (US Pubs 2003/0142292), Engelhardt (US Pubs 2002/0057430), and Stimson et al. (USPN 6,134,002).

Wolleschensky discloses a method for the detection and evaluation of the light generated in a fluorescing specimen by a short pulse laser comprising separately irradiating at least first and a second fluorophore with different wavelengths, recording a specimen light in a wavelength dependent manner with at least a scanned or a nondescanned detector, and determining the individual spectra of the fluorophores.

Engelhardt discloses a method for the detection and evaluation of the light generated in a fluorescing specimen by a short pulse laser comprising either using a descanned microscope or a nondescanned microscope.

Stimson discloses a method for the detection and evaluation of the light generated in a fluorescing specimen by a short pulse laser comprising either using a descanned microscope or a nondescanned microscope.

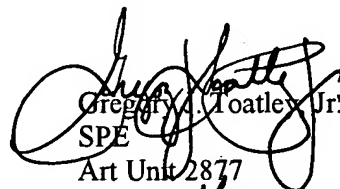
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kara E Geisel whose telephone number is 571 272 2416. The examiner can normally be reached on Monday through Friday, 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571 272 2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory A. Toatley Jr.
SPE
Art Unit 2877
3/14/06

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May 26, 2006